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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,026	12/21/2005	Rommer Stefan	P17753-US1	1372

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ERICSSON INC.  
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M/S EVR 1-C-11  
PLANO, TX 75024

EXAMINER
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CHAMBERS, TANGELA T

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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06/07/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/595,026	<b>Applicant(s)</b> STEFAN, ROMMER	
	<b>Examiner</b> TANGELA T. CHAMBERS	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the amendment and arguments filed on 4/16/2010.
  - (a) Claims 4-5 are objected.
  - (b) Claims 1-8 are pending.

#### ***Response to the Arguments***

2. Applicant's arguments, see Appeal Brief, filed April 16, 2010, with respect to the rejection(s) of claim(s) 1-8 under 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Pruss and Chiou.

As a result the argued features read upon the references as follows:

#### ***Appeal***

1. In view of the Appeal Brief filed on 04/16/2010, PROSECUTION IS HEREBY REOPENED. An office action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

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A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pruss et al (Pruss) (US Patent Publication No. 2004/0193513 A1), in view of Chiou et al (US Patent No. 6,473,413 B1).

As per claims 1, 7 and 8, Pruss discloses:

- ***A network comprising at least one access point (AP)***, (Pruss, Paragraphs [0052]-[0053] and [0198]), Pruss teaches an access point within a network.
- ***one access controlling node***, (Pruss, Paragraphs [0009]-[0010], [0047]-[0048] and [0054], “[T]he Service Selection Gateway acts as a control plane[.]”).
- ***the access points making use of an Inter-Network Access Protocol (INAP) for communication***, (Pruss, Paragraphs [0008], [0045] and [0203], “[C]ertain embodiments are illustrated using RADIUS as a communication protocol, but embodiments are not limited to the use of the RADIUS protocol.”).

- **wherein at least one mobile station may associate with the access points,** (Pruss, Paragraphs [0052]-[0053], [0066]-[0068] and [0074], “[N]etwork elements automatically log the mobile user on to a service provider network.”).

- **wherein the identity of the mobile station can be approved by the access controlling node,** (Pruss, Paragraphs [0009], [0042], [0047] and [0105], “The Service Selection Gateway module includes a Service Authorization module that can authenticate the identity of users before a service is delivered[.]”).

**wherein the access controlling node:**

- **monitors whether a given mobile station has access to any of a given subset of access points,** (Pruss, Paragraphs [0074], [0154], [0195]), Pruss teaches the SSG detecting when a mobile device has logged on, is idle or has logged off.

- **monitors an account relating to the given mobile station associated with a given access point of the subset of access points,** (Pruss, Paragraphs [0105], [0125] and [0153], “[T]he SSG uses the quota for the connection, while simultaneously monitoring usage of the connection.”).

- **if detecting that the account relating to the given mobile station has a balance of zero,** (Pruss, Paragraphs [0076] and [0133]-[0134]), Pruss teaches the SSG monitors the quota of a mobile device and detects when the quota is zero.

- **the at least one access-controlling node issues at least one INAP message causing the access point of the subset with which the mobile station is currently associated to disassociate the given mobile station, thereby terminating access for the given mobile station,** (Pruss, Paragraphs [0138]-[0141], “[W]hen all balances reach zero, in certain embodiments a message is sent from SSG 114 to GGSN 106B indicating that the user is disconnected from all services.”).

Pruss teaches using a communication protocol amongst network elements, but does not specifically disclose:

- **Inter-Access Point Protocol (IAPP),** However, Chiou in an analogous art discloses the limitation. (Chiou, Column 1, Lines 16-39 and Column 3, Lines 19-46,

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“The communication among the Access Points (AP) in the WLANs is following the communication mechanisms defined by the Inter Access Point Protocol ( IAPP).”).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chiou into the teaching of Pruss to use the IAPP protocol for communication. The modification would be obvious because one of ordinary skill in the art would want the benefit of providing a communication protocol that allows mobile stations to easily roam to various access points in different Internet Protocol subnets without requiring additional hardware or software configurations. (Chiou, Column 1, Line 66 – Column 2, Line 3).

As per claim 2, Pruss further discloses:

- ***wherein the access-controlling node is an authentication server connected to the Internet***, (Pruss, Paragraphs [0009]-[0010], [0048] and [0053]-[0054]), Pruss teaches a router containing a service selection gateway is coupled to the internet and serves as an access-controlling node.

As per claim 3, Pruss further discloses:

- ***wherein a second access control node is provided, the second access control node being a gateway node***, (Pruss, Paragraphs [0053], [0055] and [0084]-[0086]), Pruss teaches a gateway support node as an access control node.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pruss (US Patent No. 6,058,300 A), in view of Chiou et al (US Patent No. 6,473,413 B1), in further view of Applicant's Admitted Prior Art (AAPA).

As per claim 6, Pruss discloses an access control node but does not specifically disclose the following limitations. However the AAPA discloses:

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- ***wherein the access controlling node issues a Lock out request to the gateway node***, (AAPA, Page 2, Lines 12-17, “[T]he authentication server issues a lock out request 69, whereupon the gateway node locks out the station 71”).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of the AAPA into the teaching of Pruss and Chiou to issue a lock out request to a gateway node. The modification would be obvious because one of ordinary skill in the art would want the benefit of being able to close an ongoing session from a gateway node if a user of a pre-paid account has run out of credit. (AAPA, Page 4, Lines 4-9).

#### ***Allowable Subject Matter***

4. Claims 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. The prior art considered pertinent to applicant's disclosure is made of record and listed on form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TANGELA T. CHAMBERS whose telephone number is 571-270-3168. The examiner can normally be reached Monday through Thursday, 10:00am-6:30pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro, can be reached at telephone number 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tangela T. Chambers/

Patent Examiner, Art Unit 2617

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617